

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

DARRYL WADE VICTORIAN

§

VS.

§

CIVIL ACTION NO. 6:19cv120

DIRECTOR, TDCJ-CID

§

ORDER OF TRANSFER

Petitioner Darryl Victorian, an inmate confined within the Texas prison system, proceeding *pro se*, filed this federal habeas corpus petition under section 2254. The Plaintiff is complaining about a parole revocation proceeding that occurred in Harris County, Texas. 28 U.S.C. § 1391(b) reads as follows:

A civil action wherein diversity is not founded solely on diversity of citizenship may, except as otherwise provided by law, be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same state, (2) a judicial district in which a substantial portion of the events or omissions giving rise to the claim occurred, or a substantial portion of the property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district wherein the action may otherwise be brought.

The present cause of action arose in Harris County, Texas, which is in the Southern District of Texas, Houston Division. 28 U.S.C. § 124(b)(2). Venue is proper there.

28 U.S.C. § 1404(a) provides that: “[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.” “Under the transfer statute, a district court may transfer a case upon a motion or *sua sponte*. 28 U.S.C. § 1404 and § 1406. The district court has broad discretion in deciding whether to order a transfer.” *Caldwell v. Palmetto State Savings Bank of South Carolina*, 811 F.2d 916, 919 (5th Cir. 1987). *See Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761

(5th Cir. 1989). In the present case, a transfer to the Southern District of Texas, Houston Division, is the appropriate method of handling this lawsuit. Accordingly, it is

ORDERED that the Petitioner's case is **TRANSFERRED** to the Southern District of Texas, Houston Division. 28 U.S.C. § 1404(a).

So ORDERED and SIGNED this 3rd day of April, 2019.



K. NICOLE MITCHELL
UNITED STATES MAGISTRATE JUDGE